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March 29, 2023

**VIA ECF**

The Honorable Jennifer L. Rochon  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 20B  
New York, NY 10007

Re: *Huang v. Amazon.Com, Inc. et ano*, Case No. 22 Civ. 3527 (JLR) (SLC)

Dear Judge Rochon:

This firm is counsel to Defendant Amazon.com Services LLC, incorrectly sued as Amazon.com, Inc., (“Amazon”) in the above-referenced action. Amazon respectfully submits this letter motion in support of its request for dismissal of the Complaint with prejudice.

On February 15, 2023, this Court entered a Memorandum Opinion and Order (Dkt. No. 42), which, *inter alia*, (i) dismissed with prejudice Plaintiff Bai Lin Huang’s (“Huang”) claim for intentional infliction of emotional distress against Amazon and (ii) dismissed without prejudice Huang’s claim under 42 U.S.C. § 1981 against Amazon and granted Huang leave to amend by “no later than **March 8, 2023**.” Dkt. No. 42 at 3 (emphasis original). In the five weeks since this Court entered its February 15th Order, Huang neither filed an amended complaint nor sought an extension of the March 8th deadline to amend. Accordingly, Amazon respectfully requests that this Court dismiss the Complaint as to Amazon with prejudice and in its entirety and direct the Clerk of the Court to terminate this case.

We thank the Court for its attention to this matter.

Respectfully submitted,

Davis Wright Tremain LLP

/s/ Mohammad B. Pathan  
Mohammad B. Pathan

cc: Mrs. Bai Lin Huang

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on March 29, 2023, I caused to be served a true and correct copy of the above letter on Plaintiff via the Court's electronic filing system, and via Federal Express Overnight at the following address:

Bai Lin Huang  
5218 39th Avenue, Apt. 3D  
Woodside, New York 11377

Dated: New York, NY  
March 29, 2023

/s/ Mohammad B. Pathan  
Mohammad B. Pathan

Request **GRANTED**. On January 31, 2023, the Magistrate Judge issued a Report and Recommendation ("R&R"), which recommended that the Court dismiss the Complaint. Neither party filed any objections to the R&R. ECF No. 41. On February 15, 2023, the Court adopted the R&R in its entirety, granted Defendants' motions to dismiss, and dismissed the Complaint. ECF No. 42. The Court dismissed all claims against JP Morgan Chase and some claims against Amazon.com, Inc. with prejudice, and dismissed the remaining portion of the 42 U.S.C. § 1981 claim against Amazon.com, Inc. without prejudice and with leave to amend "no later than March 8, 2023." *Id.*


At no time since the Complaint was dismissed has Plaintiff filed an amended complaint, filed a letter seeking an extension of time to amend his Complaint, or otherwise indicated his intent to amend the Complaint. As a courtesy to Plaintiff, who is *pro se*, the Court did not close the case on March 8, 2023 when the deadline to amend expired. However, it has now been over six weeks since the Complaint was dismissed, and over three weeks since the deadline to amend expired.

Accordingly, the Complaint is hereby **dismissed with prejudice**. The Clerk of Court is respectfully directed to **CLOSE** the case.

*Pro se* Plaintiff is an electronic case filing user and should therefore receive this Order electronically. Additionally, the Clerk of Court is respectfully directed to mail this Order to *Pro se* Plaintiff at his address listed on the docket.

Dated: March 30, 2023  
New York, New York

**SO ORDERED.**

  
**JENNIFER L. ROCHON**  
United States District Judge